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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,292	11/16/2000	R. Bruce Wallace	57983-000017	3714

7590 09/14/2004

Thomas E Anderson
Hunton & Williams
1900 K Street NW
Washington, DC 20006-1109

EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,292

Applicant(s)

WALLACE ET AL.

Examiner

Benjamin R Bruckart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Status of Claims:

Claims 1-44 are pending in this Office Action.

The objection to the Oath/Declaration is withdrawn in view of replacement Oath/Declaration.

The objection to the specification is withdrawn in view of applicant's amendment to Page 1, first paragraph of the specification.

The 35 U.S.C. 112, second paragraph rejection is withdrawn from claims 4,6,27 in light of applicant's amendment.

Response to Arguments

Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's invention as claimed:

Claim 1 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,484,257 issued to Ellis.

Regarding claim 1,

The Hu reference teaches an internet customer access system (Hu: col. 2, lines 27-40; clients access content servers through the invention) comprising:

a redirect receiving unit for receiving a redirected customer web site access request from a network server (Hu: col. 6, lines 10-22; from server module) and generating a request for a capacity determination for the web site (Hu: col. 9, lines 7-46);

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a capacity determination unit for determining if the web site has capacity to handle an additional customer (Hu: col. 9, lines 7-46; policy module);

a redirect unit for redirecting the customer to the web site if sufficient capacity is found (Hu: col. 11, lines 17-27).

The Hu reference does not explicitly state notifying the customer of insufficient capacity but does show notifying itself if a server to be directed to becomes unavailable.

The Ellis reference teaches a notification unit for notifying the user if the site currently has insufficient capacity (Ellis: col. 7, lines 17-44; if the main server cant pass off the connection or handle the connection itself); and

The Ellis reference further teaches the invention combines the processing power of all computers connected to enable bandwidth to be infinitely scaleable and to reduce latency substantially to zero (Ellis: col. 4, lines 46-55).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Hu while employing notifying the customer in a distributed network of hosts as taught by Ellis in order to combine the processing power of all computers connected to enable bandwidth to be infinitely scaleable and to reduce latency substantially to zero (Ellis: col. 4, lines 46-55).

Claims 2-3, 11-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,484,257 issued to Ellis in further view of U.S. Patent No 6,134,584 by Chang et al.

Regarding claim 2,

The Hu and Ellis references teach an internet customer access system that redirects, determines capacity, and provides notifications.

The Ellis and Ellis references do not explicitly state scheduling access of the customer to the web site.

The Chang reference teaches a scheduling processor for scheduling access of the customer to the web site (Chang: col. 3, lines 27-31).

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The Chang reference further teaches the system allows downloads and accesses at later specified times when rates are lower or traffic is reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Ellis while employing scheduling of access as taught by Chang in order to specify a time to access or download when traffic or rates are reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67).

Claims 3, 11 and 12 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Ellis, Hu and Chang et al.

Regarding claim 3, the internet customer access system of claim 2, further comprising a customer identification unit for determining whether a customer has scheduled access to a web site (Chang: col. 6, lines 3-36; user id and password for scheduled access of protected pages).

Regarding claim 11, the internet customer access system of claim 1, wherein the notification unit comprises means for notifying a customer that the site is full (Chang: col. 6, lines 27-33; site is busy).

Regarding claim 12, the internet customer access system of claim 1, wherein the notification unit comprises means for notifying a customer that replay options are available (Chang: col. 6, lines 27-33; Figure 2A; schedule at another time).

Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,484,257 issued to Ellis in further view of U.S. Patent No 6,134,584 by Chang et al in further view of U.S. Patent No. 6,625,643 by Colby et al.

Regarding claim 4,

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The Ellis, Hu and Chang references teach the internet customer access system of claim 3 where by server and agents utilize session keys with the client (Session keys are often stored in cookies).

The Ellis, Hu and Chang references do not explicitly state wherein the scheduling processor comprises means for attaching a tag to a customer system.

The Colby reference teaches the scheduling processor comprises means for attaching a tag to the customer system (Colby: col. 27, lines 7-18).

The Colby reference further teaches this invention overcomes problems with no control over who accesses a stream or logs into a server (Colby: col. 3, lines 1-8)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Ellis and Chang while attaching a tag to the customer as taught by Colby in order to control who access a stream or logs into a server (Colby: col. 3, lines 1-8).

Claims 5-8 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Ellis, Hu, Chang et al, and Colby et al.

Regarding claim 5, the internet customer access system of Claim 4, wherein the tag comprises an encrypted (Ellis: col. 7, lines 47-62) cookie (Colby: col. 27, lines 7-18).

Regarding claim 6, the internet customer access system of claim 4, wherein the customer identification unit comprises means for detecting the tag on the customer system (Colby: col. 26, lines 31-35, col. 27, lines 7-13) and means for removing the tag from the customer system (Colby: col. 27, lines 14-16).

Regarding claim 7, the internet customer access system of claim 3, wherein the notification unit comprises an update processor for informing a customer access system already possessing a tag of current accessibility status (Ellis: col. 10, lines 41-51; successful login and session key exchange; or col. 7, lines 34-44; cant accept; Chang teaches busy in col. 6, lines 30-33).

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Regarding claim 8, the Internet customer access system of claim 2, wherein the scheduling processor comprises means for providing appointment slots (Chang: col. 3, lines 42-45, col. 4, lines 7-11).

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,484,257 issued to Ellis in further view of U.S. Patent No 6,134,584 by Chang et al in further view of U.S. Patent No 4,788,715 by Lee.

Regarding claim 9,

The Hu, Ellis, and Chang references teach the Internet customer access system of claim 3 with scheduling.

The Hu, Ellis, and Chang references do not explicitly state the scheduling processor comprises means for providing the customer with a position in a queue and means for providing an estimated service time.

The Lee reference teaches wherein the scheduling processor comprises means for providing the customer with a position in a queue (Lee: col. 3, lines 35-41) and means for providing an estimated service time (Lee: col. 3, lines 35-41).

The Lee reference further teaches the invention allows the customer to make informed decisions about whether to wait or opt to have a call returned (Lee: col. 1, lines 24-40; col. 2, lines 11-16)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Hu, Ellis and Chang while placing the customer in a queue and providing estimated service time as taught by Lee in order to allow the customer to make informed decisions (Lee: col. 1, lines 24-40; col. 2, lines 11-16).

Claim 10 is rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Ellis, Hu, Chang et al, and Lee.

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Regarding claim 10, the internet customer system of claim 9, providing a customer with an updated place in the queue (Lee: col. 6, lines 20-26).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,134,584 by Chang et al.

Regarding claim 13,

The Hu reference teaches an Internet customer access system (Hu: col. 2, lines 27-40; clients access content servers through the invention) comprising:

a redirect receiving unit for receiving a redirected customer web site access request from a network server (Hu: col. 6, lines 10-22; from server module) and generating a request from a network server and generating a request for a capacity determination for the web site (Hu: col. 9, lines 7-46);

a capacity determination unit for determining if the web site has the capacity to handle an additional customer (Hu: col. 9, lines 7-46).

a customer identification unit for determining whether the customer has scheduled access to the web site (Chang: col. 6, lines 3-36).

The Hu reference does not explicitly state a scheduling processor for scheduling access of the customer to the web site if the capacity determination unit indicates that no current capacity exists.

The Chang reference teaches a scheduling processor for scheduling access of the customer to the web site if the capacity determination unit indicates that no current capacity exists (Chang: col. 3, lines 27-31).

The Chang reference further teaches the system allows downloads and accesses at later specified times when rates are lower or traffic is reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Hu while employing scheduling of access as taught by Chang in order to specify a time to access or download when traffic or rates are reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67).

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Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,134,584 by Chang et al in further view of U.S. Patent No. 6,484,257 by Ellis.

Regarding claim 20,

The Hu and Chang references teach the Internet customer access system of claim 13.

The Hu and Chang references do not explicitly state notifying a customer but Chang teaches generating a busy signal in event that the network is busy.

The Ellis reference teaches a notification unit having means for notifying a customer that the site is full (Ellis: col. 7, lines 17-44; if the main server cant pass off the connection or handle the connection itself).

The Ellis reference further teaches the invention combines the processing power of all computers connected to enable bandwidth to be infinitely scaleable and to reduce latency substantially to zero (Ellis: col. 4, lines 46-55).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Hu and Chang while employing notifying the customer in a distributed network of hosts as taught by Ellis in order to combine the processing power of all computers connected to enable bandwidth to be infinitely scaleable and to reduce latency substantially to zero (Ellis: col. 4, lines 46-55).

Claims 14, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,134,584 by Chang et al in further view of U.S. Patent No. 6,625,643 by Colby et al.

Regarding claim 14,

The Hu and Chang references teach the Internet customer access system of claim 13 where by server and agents utilize session keys with the client.

The Hu and Chang references do not explicitly state wherein the scheduling processor comprises means for attaching a tag to the customer system.

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The Colby reference teaches the scheduling processor comprises means for attaching a tag to the customer system (Colby: col. 27, lines 7-18).

The Colby reference further teaches this invention overcomes problems with no control over who accesses a stream or logs into a server (Colby: col. 3, lines 1-8)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Hu and Chang while attaching a tag to the customer as taught by Colby in order to control who access a stream or logs into a server (Colby: col. 3, lines 1-8).

Claim 18 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Hu, Chang et al, and Colby et al.

Regarding claim 18, the Internet customer access system of claim 14, wherein the scheduling processor comprises means for providing appointment slots (Chang: col. 3, lines 42-45, col. 4, lines 7-11).

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,134,584 by Chang et al in further view of U.S. Patent No. 6,625,643 by Colby et al in further view of U.S. Patent No 6,484,257 issued to Ellis.

Regarding claim 15,

The Hu Chang and Colby references teach the internet customer access system of 14, wherein the tag is an cookie (Colby: col. 27, lines 7-18).

The Hu, Chang, and Colby references do not explicitly state the use encryption.

The Ellis reference teaches encryption (Ellis: col. 7, lines 47-62).

The Ellis reference further teaches the invention partitions traffic across the network of hosts to ensure stable partitioning and processing of encrypted traffic to meet the increase in secure session demand (Ellis: col. 4, lines 46-65).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Hu, Chang, and Colby while using encryption as taught by Ellis in order to ensure stable

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partitioning and processing of encrypted traffic to meet the increase in secure session demand (Ellis: col. 4, lines 46-65).

Claims 16, 17 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Ellis, Hu, Chang et al, and Colby et al.

Regarding claim 16, the internet customer access system of claim 15, wherein the customer identification unit comprises means for detecting the encrypted cookie on the customer system (Colby: col. 26, lines 31-35, col. 27, lines 7-13) and means for removing the tag from the customer system (Colby: col. 27, lines 14-16).

Regarding claim 17, the internet customer access system of claim 14, further comprising a notification unit having an update processor for informing a customer access system already possessing a tag of current accessibility status (Ellis: col. 10, lines 41-51).

Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,134,584 by Chang et al in further view of U.S. Patent No. 6,625,643 by Colby et al in further view of U.S. Patent No 4,788,715 by Lee.

Regarding claim 19,

The Hu, Chang, and Colby references teach the Internet customer access system of claim 14 with scheduling and cookies of sessions.

The Hu, Chang and Colby references do not explicitly state the scheduling processor comprises means for providing the customer with a position in a queue and means for providing an estimated service time.

The Lee reference teaches wherein the scheduling processor comprises means for providing the customer with a position in a queue (Lee: col. 3, lines 35-41) and means for providing an estimated service time (Lee: col. 3, lines 35-41).

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The Lee reference further teaches the invention allows the customer to make informed decisions about whether to wait or opt to have a call returned (Lee: col. 1, lines 24-40; col. 2, lines 11-16)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Hu, Chang, and Colby while placing the customer in a queue and providing estimated service time as taught by Lee in order to allow the customer to make informed decisions (Lee: col. 1, lines 24-40; col. 2, lines 11-16).

Claim 21 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,484,257 issued to Ellis.

Regarding claim 21, a method for regulating access to a web site (Hu: col. 2, lines 27-40; clients access content servers through the invention), the method comprising the steps of:

receiving a redirected customer web site access request from a network server (Hu: col. 6, lines 10-22; from server module);

determining whether the web site has sufficient capacity to accommodate an additional customer (Hu: col. 9, lines 7-46);

redirecting the customer to the web site if sufficient capacity is found (Hu: col. 11, lines 17-27).

The Hu reference does not explicitly state notifying the customer of insufficient capacity but does show notifying itself if a server to be directed to becomes unavailable.

notifying the customer if insufficient capacity is found (Ellis: col. 7, lines 17-44; if the main server cant pass off the connection or handle the connection itself).

The Ellis reference further teaches the invention combines the processing power of all computers connected to enable bandwidth to be infinitely scaleable and to reduce latency substantially to zero (Ellis: col. 4, lines 46-55).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Hu while employing notifying the customer in a distributed network of hosts as taught by Ellis in order to combine the processing power of all computers connected to enable

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bandwidth to be infinitely scaleable and to reduce latency substantially to zero (Ellis: col. 4, lines 46-55).

Claim 23-26, 28 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,484,257 issued to Ellis in further view of U.S. Patent No. 6,625,643 by Colby et al.

Regarding claim 23,

The Hu and Ellis references teach a method for regulating access to a web site (Ellis: col. 4, lines 56-65) with sessions.

The Hu and Ellis reference does not explicitly state determining whether the customer has a tag.

The Colby reference teaches determining whether the customer has a tag (Colby: col. 27, lines 7-18).

The Colby reference further teaches this invention overcomes problems with no control over who accesses a stream or logs into a server (Colby: col. 3, lines 1-8)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create a method for regulating access to a web site as taught by Hu, Ellis while employing a tag to the customer as taught by Colby in order to control who access a stream or logs into a server (Colby: col. 3, lines 1-8).

Claims 24-26, 28 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Hu, Ellis and Colby et al.

Regarding claim 24, the method of claim 23, further comprising determining whether the tag is valid (Colby: col. 26, lines 30-35).

Regarding claim 25, the method of claim 24, further comprising redirecting the customer to the web site if the tag is valid (Ellis: col. 7, lines 39-47; Colby: col. 27, lines 17-18).

Regarding claim 26, the method of claim 22, further comprising determining if the tag is expired (Ellis: col. 27, lines 7-18).

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Regarding claim 28, the method of claim 21, wherein redirecting the customer to the web site comprises the steps of determining if the customer has a tag and removing the tag if present (Colby: col. 27, lines 14-16).

Claim 27 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,484,257 issued to Ellis in further view of U.S. Patent No. 6,625,643 by Colby et al in further view of U.S. Patent No 6,134,584 by Chang et al.

Regarding claim 27,

The Ellis and Colby reference teach the method of claim 26 of regulating access to a website with tags providing the customer with an updated status if the tag is not expired (Ellis: col. 10, lines 41-51).

The Ellis and Colby references do not disclose performing scheduling operations if the tag is expired.

The Chang reference teaches performing scheduling operations if the tag is expired (Chang: col. 3, lines 27-31).

The Chang reference further teaches the system allows downloads and accesses at later specified times when rates are lower or traffic is reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method for regulating access to a website with tags as taught by Hu, Ellis, and Colby while employing scheduling of access as taught by Chang in order to specify a time to access or download when traffic or rates are reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67).

Claims 22, 29, 33 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,484,257 issued to Ellis in further view of U.S. Patent No 6,134,584 by Chang et al.

Regarding claim 22,

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The Hu and Ellis references teach regulating access to a website method of claim 21.

The Hu and Ellis reference teaches providing notification if resources are not found (Ellis: col. 7, lines 43-44) but does not explicitly disclose comprising notifying the customer that replay options are available.

The Chang reference teaches notifying the customer that replay options are available (Chang: col. 6, lines 27-33; Figure 2A).

The Chang reference further teaches the system allows downloads and accesses at later specified times when rates are lower or traffic is reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method for regulating access to a website as taught by Hu, Ellis while notifying the customer that replay options are available as taught by Chang in order to specify a time to access or download when traffic or rates are reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67).

Claim 29, 33 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Hu, Ellis, and Chang et al.

Regarding claim 29, the method of claim 21, further comprising scheduling customer access if insufficient capacity is found (Chang: col. 3, lines 27-31).

Regarding claim 33, the method of claim 29, further comprising determining whether a visitor has previously scheduled access to the web site (Chang: Figure 1; Download Now? No. Save address to download later; col. 6, lines 3-17).

Claims 30-31, 34-35 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,484,257 issued to Ellis in further view of U.S. Patent No 6,134,584 by Chang et al in further view of U.S. Patent No 4,788,715 by Lee.

Regarding claim 30,

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The Hu, Ellis and Chang references teach a method of regulating access to a website.

The Hu, Ellis and Chang references do not explicitly state wherein scheduling comprises providing the customer with a position in a queue.

The Lee reference teaches wherein scheduling comprises providing the customer with a position in a queue (Lee: col. 3, lines 35-41).

The Lee reference further teaches the invention allows the customer to make informed decisions about whether to wait or opt to have a call returned (Lee: col. 1, lines 24-40; col. 2, lines 11-16)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of regulating access to a website as taught by Hu, Ellis and Chang while placing the customer in a queue as taught by Lee in order to allow the customer to make informed decisions (Lee: col. 1, lines 24-40; col. 2, lines 11-16).

Claim 31, 34-35 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Hu, Ellis, Chang et al, and Lee.

Regarding claim 31, the method of claim 29, wherein scheduling comprises providing the customer with an appointment (Chang: col. 3, lines 42-45, col. 4, lines 7-11).

Regarding claim 34, the method of claim 32, further comprising providing a customer with updated position information (Lee: col. 6, lines 20-26).

Regarding claim 35, the method of claim 33, further comprising offering a cancellation and rescheduling option upon providing updated position information (Lee: col. 2, lines 4-16).

Claim 32 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,484,257 issued to Ellis in

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further view of U.S. Patent No 6,134,584 by Chang et al in further view of U.S. Patent No. 6,625,643 by Colby et al.

Regarding claim 32,

The Hu, Ellis and Chang references teaches the method of regulating access to a website.

The Hu, Ellis and Chang references do not explicitly mention a tag on a customer system but do mention session information.

The Colby reference teaches leaving a tag on the customer system and providing the customer with a finite time for which the tag is valid (Colby: col. 27, lines 7-18).

The Colby reference further teaches this invention overcomes problems with no control over who accesses a stream or logs into a server (Colby: col. 3, lines 1-8) Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create a method for regulating access to a web site as taught by Hu, Ellis and Chang while employing a tag to the customer as taught by Colby in order to control who access a stream or logs into a server (Colby: col. 3, lines 1-8).

Claims 36, 37, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,134,584 by Chang et al.

Regarding claim 36,

The Hu reference teaches a method for regulating access to a web site (Hu: col. 2, lines 27-50), the method comprising the steps of:

receiving a redirected customer web site access request from a network server (Hu: col. 6, lines 10-22; from server module);

determining if the web site has sufficient capacity to handle an additional customer (Hu: col. 9, lines 7-46).

The Hu reference does not explicitly state scheduled access.

The Chang reference teaches scheduling access of the customer to the web site if insufficient capacity is found (Chang: col. 3, lines 27-31) and

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determining whether a customer has previously scheduled access to the web site (Chang: Figure 1; Download Now? No. Save address to download later; col. 6, lines 3-17).

The Chang reference further teaches the system allows downloads and accesses at later specified times when rates are lower or traffic is reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Hu while employing scheduling of access as taught by Chang in order to specify a time to access or download when traffic or rates are reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67).

Claim 37, 40 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Hu, Chang et al.

Regarding claim 37, the method of claim 36, wherein scheduling access comprises scheduling an appointment for the customer (Chang: col. 3, lines 42-45, col. 4, lines 7-11).

Regarding claim 40, the method of claim 36, further comprising redirecting the customer to the web site if sufficient capacity is found (Hu: col. 11, lines 17-27; col. 9, lines 37-65).

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,134,584 by Chang et al in further view of U.S. Patent No 4,788,715 by Lee.

Regarding claim 38,

The Hu and Chang references teach the method of claim 36, of scheduling access

The Hu and Chang references do not explicitly state the use assigning of a customer to a queue.

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The Lee reference teaches assigning the customer a position in a queue (Lee: col. 3, lines 35-41).

The Lee reference further teaches the invention allows the customer to make informed decisions about whether to wait or opt to have a call returned (Lee: col. 1, lines 24-40; col. 2, lines 11-16)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of regulating access to a website as taught by Hu and Chang while placing the customer in a queue as taught by Lee in order to allow the customer to make informed decisions (Lee: col. 1, lines 24-40; col. 2, lines 11-16).

Claims 39, 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,173,322 by Hu in view of U.S. Patent No 6,134,584 by Chang et al in further view of U.S. Patent No. 6,625,643 by Colby et al.

Regarding claim 39,

The Hu and Chang references teach the method of claim 36, of scheduling access to a website.

The Hu and Chang references do not explicitly state the providing the customer with a tag.

The Colby reference teaches providing the customer with a tag (Colby: col. 27, lines 7-18).

The Colby reference further teaches this invention overcomes problems with no control over who accesses a stream or logs into a server (Colby: col. 3, lines 1-8)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create a method for regulating access to a web site as taught by Hu and Chang while employing a tag to the customer as taught by Colby in order to control who access a stream or logs into a server (Colby: col. 3, lines 1-8).

Claims 41-44 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Hu, Chang and Colby et al.

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Regarding claim 41, the method of claim 36, wherein determining whether a customer has previously scheduled access to the web site comprises determining whether a customer has a tag (Colby: col. 27, lines 7-18).

Regarding claim 42, the method of claim 41, further comprising redirecting the customer to the web site if the tag is valid (Colby: col. 27, lines 7-18).

Regarding claim 43, the method of claim 42, further comprising performing scheduling operations if the tag is expired (Chang: col. 3, lines 27-31; Colby: col. 27, lines 7-18).

Regarding claim 44, the method of claim 43, further comprising performing update processing if the tag is not yet valid and is not yet expired (Colby: col. 7, lines 7-18).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324 until 10/27/2004 and 571-272-3982 after. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155
brb
September 9, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER